



**NASH COUNTY PLANNING BOARD MEETING
MONDAY, OCTOBER 19, 2020 - 6:30 P.M.**

****** IMPORTANT MEETING NOTICE ******

Due to COVID-19 and the limited agenda, this meeting will be held via **CONFERENCE CALL** instead of in person. Board members, request applicants, and members of the public are invited to join the conference call remotely at 6:30 p.m. by dialing **252-462-2424** and when prompted, enter the following participant code: **123281** followed by # (the pound sign.)

MEETING AGENDA

1. **Call to Order.**
2. **Determination of a Quorum.**
3. **Approval of the Minutes of the August 17, 2020 Regular Meeting.**
4. **Approval of the Minutes of the September 21, 2020 Regular Meeting.**
5. **Text Amendment Request A-201001 – Nash County Unified Development Ordinance.**
Made by Turner Votipka in order to reduce the separation distance required between an event and conference venue and the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property from three hundred (300) feet to two hundred (200) feet.
6. **Major Subdivision Sketch Plan for the Beaver Creek Subdivision, Phase 1-B.**
Submitted by True Line Surveying on behalf of the property owner and developer, Little Bear Creek Properties LLC, for the cluster option development of fifteen (15) proposed new residential lots along S Beaver Creek Way, a proposed new public road right-of-way to be constructed off the south side of Claude Lewis Road on an approximately 28 acre tract of land in the R-40 (Single-Family Residential) Zoning District.
7. **Other Business.**

Update on the Board of Commissioners Planning Actions from October 5, 2020:

Text Amendment Request A-200901 made to expand the already permitted land use “biogas production” to include additional types of “biomass energy production facilities” was **APPROVED.**

8. **Adjournment.**

NASH COUNTY PLANNING BOARD
TEXT AMENDMENT REQUEST - UNIFIED DEVELOPMENT ORDINANCE
STAFF REPORT

File Number: A-201001 (Text Amendment Request)
Applicant: Turner Lee Votipka
Affected UDO Section: Article XI, Section 11-4, Subsection 11-4.28b (D)(1)(a)
Purpose: To reduce the separation distance required between an event and conference venue and the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property from three hundred (300) feet to two hundred (200) feet.

Description of the Proposed Text Amendment:

On May 4, 2020 the Nash County Board of Commissioners adopted a text amendment to the Unified Development Ordinance (UDO) at the request of Mr. Turner Votipka, which defined “event and conference venue” as a land use and permitted its development in the A1 (Agricultural), RC (Rural Commercial), and GC (General Commercial) Zoning Districts with the issuance of a conditional use permit and subject to specifically required development standards (Case File #A-200301.)

One of those development standards requires that the primary structures used to host events and/or any outdoor event use areas must be located no closer than three hundred (300) feet to the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property, unless the property already includes a legally established commercial or industrial land use.

Mr. Votipka proposed the text amendment because he desires to develop an “event and conference venue” on an approximately 14-acre property in his ownership located on the east side of S Halifax Road immediately adjacent to Allen’s Nursery at 2817 S Halifax Rd.

At the public hearing for the text amendment, Mr. Votipka agreed to the three hundred (300) foot separation distance suggested by the Board of Commissioners because he believed that his proposed site design could accommodate it. However, a subsequent land survey has established that the subject property was not quite as wide as it had previously appeared.

As a result, Mr. Votipka has now submitted Text Amendment Request A-201001 in order to reduce that separation distance from three hundred (300) feet to two hundred (200) feet and to permit a larger buildable area on the subject property. Note that parking spaces and loading areas may be located within the required separation distance per UDO Article XI, Section 11-4, Subsection 11-4.28b (D)(2).

The development of the proposed “event and conference venue” will still require a separate site-specific conditional use rezoning action to be considered by the Board in more detail at a later date.

Proposed Text Amendment (Changes Highlighted):

NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE II: INTERPRETATIONS AND DEFINITIONS

2-4.0 DEFINITIONS

2-4.55(a) Event and Conference Venue. An establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, social gatherings, and similar indoor or outdoor events.

ARTICLE IX: ZONING

9-3 PERMITTED USES

9-3.1 Permitted Use Table

Table 9-3-1: Table of Permitted Uses

Use Type	Ref. SIC	Zoning Districts		
		A1	RC	GC
RECREATIONAL USES				
Event and Conference Venue	0000	C	C	C

C = Conditional Use Permit Required

ARTICLE XI: DEVELOPMENT STANDARDS

11-4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

11-4.28b Event and Conference Venue

(A) Where Required

A1, RC, and GC districts.

(B) Minimum Area

An event and conference venue shall be located on a property with a lot area of at least ten (10) acres.

(C) Access

Principal access to the event and conference venue must be from a paved collector or higher capacity road.

(D) Separation

(1) The primary structures used to host events and/or any outdoor event use areas shall be located:

- (a) No closer than ~~three hundred (300)~~ **two hundred (200)** feet to the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property, unless the property already includes a legally established commercial or industrial land use.
- (b) No closer than fifty (50) feet to the property line of an immediately adjacent office and institutionally, commercially, and/or industrially zoned or used property, provided that the property is not residentially used.

(2) Parking spaces and loading areas may be located within the required separation distance.

(3) Accessory structures with a gross floor area of less than six hundred (600) square feet shall be located in accordance with the standard minimum building setbacks required in the underlying zoning district.

(E) Noise

Noise generated by the event and conference venue shall be in accordance with the Nash County Code of Ordinances Chapter 16, Article III "Noise."

(F) Parking

Adequate parking spaces to accommodate the use of the event and conference venue shall be provided in accordance with Section 11-2 "Off-Street Parking, Stacking, and Loading Areas." Paving of the parking spaces shall not be required due to their irregular use for events.

(G) Screening

All structures, outdoor use areas, or parking and loading areas associated with the event and conference venue and located within one hundred (100) feet of an immediately adjacent lot which is agriculturally zoned, residentially zoned, and/or residentially used shall be screened in accordance with Section 11-3.3 (B) "Industrial and Commercial Uses."

Analysis of the Proposed Text Amendment:

The proposed two hundred (200) foot reduced separation distance would still far exceed the fifty (50) foot separation distance currently required by the UDO for a “country club” which may be used to host similar events to an “event and conference venue” as well as the fifty (50) foot separation distance previously recommended by the Planning Board for “event and conference venues” back in March of this year during the consideration of the initial text amendment (Case File #A-200301.)

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered Text Amendment Request A-201001 on October 1, 2020 and recommended **APPROVAL** based on its determination that the request is reasonable, in the public interest, and not inconsistent with the recommendations of the Nash County Land Development Plan.

Suggested Motions:

MOTION #1 – RECOMMEND A CONSISTENCY STATEMENT:

I move that the Nash County Planning Board recommends Consistency Statement ‘A’ or ‘B’ (choose one from below) related to Text Amendment Request A-201001 for consideration by the Nash County Board of Commissioners.

Consistency Statement ‘A’ (For APPROVAL):

Text Amendment Request A-201001 is:

- (1) Reasonable and in the public interest because 200 feet is a sufficient separation distance between an “event and conference venue” and the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property; and
- (2) Not inconsistent with the recommendations of the Nash County Land Development Plan because the plan does not specifically address an “event and conference venue” as a land use type.

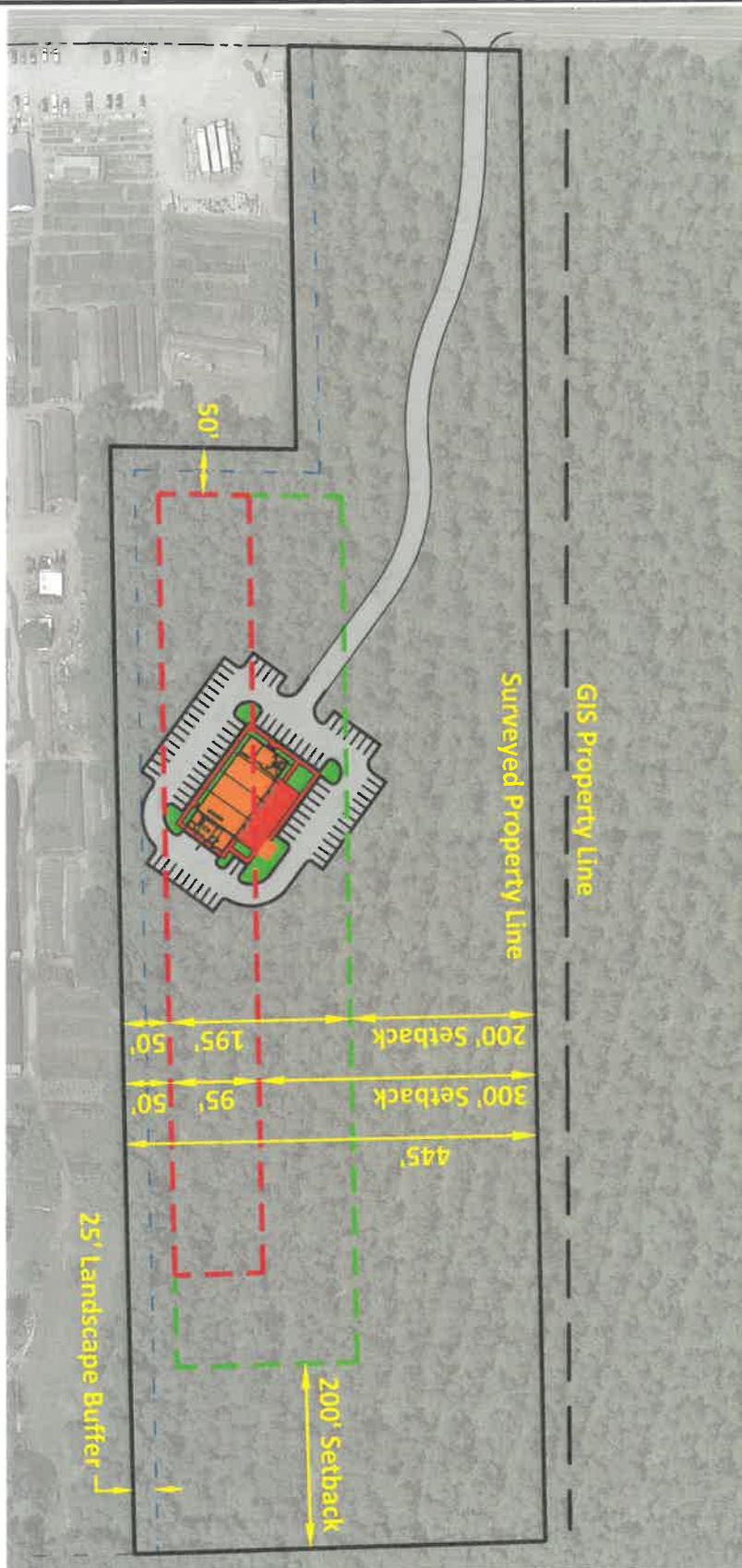
--- OR ---

Consistency Statement 'B' (For DENIAL):

Text Amendment Request A-201001 is not reasonable and/or not in the public interest and/or not consistent with the recommendations of the Nash County Land Development Plan because:
(List reasons.)

MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE TEXT AMENDMENT:

*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of Text Amendment Request A-201001 to reduce the separation distance required between an event and conference venue and the property line of an immediately adjacent agriculturally zoned, residentially zoned, and/or residentially used property from three hundred (300) feet to two hundred (200) feet.*



Site Plan

FACTORY 633

Halifax Road,
Nash County, North Carolina

MGA

Mack Gay Associates, P.A.

Engineering • Surveying • Planning

1667 Thomas A. Betts Parkway, Rocky Mount, NC 27804

Phone: 252-446-3017

Fax: 252-446-7715

Firm License: C-0569

www.mackgaypa.com



Not for Construction

Preliminary Drawing

Revisions:			
Number	Date	CAD	
1	10/11/20	SMB	
2	10/13/20	SMB	
Vertical Scale: n/a			
Horizontal Scale: 1" = 120'			
Date: 9-4-2020		Drawn by: SMB	Sheet:
Checked by: .		1	
Project: P200018			

NASH COUNTY PLANNING BOARD
MAJOR SUBDIVISION SKETCH PLAN – STAFF REPORT

Type of Plat:	Major Subdivision Sketch Plan
Subdivision Name:	Beaver Creek Subdivision, Phase 1-B
Property Owner / Developer:	Little Bear Creek Properties, LLC (David Geiger)
Land Surveyor:	True Line Surveying, P.C. (Curk T. Lane)
Location:	South Side of Claude Lewis Road, Middlesex, NC 27557
Tax ID #:	Tax Map PIN # 274300352321 / Parcel ID # 335822
Total Development Area:	28.236 Acres
Number of Lots:	15 New Residential Lots
Road Improvements:	New 50-Foot Wide Public Road Right-of-Way
Water Supply:	Individual Private Onsite Wells
Wastewater Disposal:	Individual Private Onsite Septic Systems
Zoning District:	R-40 (Single-Family Residential) – Clustered to R-30
LDP Classification:	Suburban Growth Area

Description of the Subject Property:

The subject property is an approximately 28 acre tract of land owned by Little Bear Creek Properties, LLC and located southeast of the Town of Middlesex on the south side of Claude Lewis Road in the R-40 (Single-Family Residential) Zoning District.

The subject property is located behind and immediately adjacent to the Beaver Creek Subdivision, Phase One which was recorded in August of this year and which included eight (8) new residential lots located directly along the Claude Lewis Road public right-of-way as well as a mail kiosk lot for the installation of a shared cluster box unit (CBU) located along a 50-foot wide private access and utility easement known as S Beaver Creek Way.

This project did not require review by the Planning Board due to the exception found in the Nash County Unified Development Ordinance which exempts the first phase of a subdivision development from the major subdivision review process and requires just a staff-level approval provided that it includes no more than nine (9) new lots and no proposed road or utility improvements (UDO Article X, Section 10-3, Subsection 10-3.5 A.)

Phase One of the Beaver Creek Subdivision utilized the cluster development option, meaning that although the normally required minimum lot size in this R-40 Zoning District is 40,000 square feet, these lots could have been subdivided with as little as 30,000 square feet each, provided that all the land which would have otherwise been included in the residential lots is

designated as shared common area on the same property. Phase One included a 1.558-acre common area lot at the rear of the property for this purpose.

The rear property line of the subject tract is defined by Beaverdam Creek, which is subject to a required 50-foot wide riparian buffer and must be protected from disturbance. The property is located within the Neuse River Basin and is not located within a regulated floodplain or a designated watershed protection overlay district.

The property does not currently have access to public water or sewer service, therefore future residential development will utilize individual private onsite wells and septic systems.

Description of the Proposed Subdivision:

True Line Surveying P.C. has submitted a major subdivision sketch plan for the subject property on behalf of the property owner and developer, Little Bear Creek Properties LLC, for Phase 1-B of the Beaver Creek Subdivision proposing the development of fifteen (15) additional residential lots along S Beaver Creek Way, which is to be upgraded from a private access and utility easement to a public road right-of-way.

Phase 1-B will also utilize the cluster development option, which reduces the minimum required lot size to 30,000 square feet. As a result, the previously established common area lot located at the rear of the property will be expanded to include a total of 12.704 acres (which far exceeds the minimum calculated cluster option common area requirement of 3.69 acres.)

All the proposed new lots either meet or exceed the applicable dimensional requirements including the 100-foot minimum lot width requirement. All residents of both phases of the Beaver Creek Subdivision will have access to the common area lot via a combination of 10 foot-wide pedestrian easements and the S Beaver Creek Way public right-of-way.

Subdivision Review Procedure:

A sketch plan remains valid for one year (12 months) from the date of its approval by the Planning Board and may remain valid for a second year if a preliminary plat depicting the construction of a minimum of 400 feet of new road right-of-way is submitted during the initial one-year period.

The Technical Review Committee and the Planning Staff may then review and approve the preliminary plat (authorizing the construction of the new road right-of-way or public utilities extension) and a final plat (post-construction) unless the overall proposed design of the subdivision deviates substantially enough from the previously approved sketch plan to require reconsideration and re-approval by the Planning Board.

A preliminary plat for the construction of any remaining proposed new road right-of-way must then be submitted, reviewed, and approved within the second year or the subdivision design will require reconsideration and re-approval by the Planning Board.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the Major Subdivision Sketch Plan for the Beaver Creek Subdivision, Phase 1-B on October 1, 2020 and recommended **APPROVAL**, subject to the revisions, conditions, and submittal requirements listed below.

Suggested Motion:

*I move that the Nash County Planning Board **APPROVE or DENY (choose one)** the Major Subdivision Sketch Plan for the Beaver Creek Subdivision, Phase 1-B subject to the following **REVISIONS, CONDITIONS, & SUBMITTAL REQUIREMENTS:***

REVISIONS:

NOTE: *The following revisions have already been made to the digital copy of the sketch plan, however, they are not yet shown on the full-size paper copies accompanying this report.*

- 1) On Lots 11, 12, 17, 18, 19, & 20 please depict the front minimum building setback as a dashed line offset 40 feet from the contour of the road right-of-way and depict the lot width measurements as solid straight lines with dimension labels.
- 2) Please add a parcel hook to further clarify the intention to combine the common area lot previously established in Phase One with the additional common area designated by Phase 1-B.

CONDITIONS FOR FUTURE PRELIMINARY PLAT APPROVAL & CONSTRUCTION AUTHORIZATION:

- 1) The developer shall submit the engineered road construction details and profile for the proposed S Beaver Creek Way public right-of-way for review and approval by the N.C. Department of Transportation District Engineer.
- 2) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources, as required.
- 3) The developer shall submit the total review fee in the amount of \$225.00 made payable to "Nash County." (That is the \$75.00 Preliminary Plat Base Review Fee + \$10.00 Per New Residential Lot.)

SUBMITTAL REQUIREMENTS FOR FUTURE POST-CONSTRUCTION FINAL PLAT:

- 1) One final mylar copy of the plat with appropriate land surveyor and property owner signatures.
- 2) Two revised paper copies of the plat (no signatures required.)
- 3) A soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.
- 4) A post-construction inspection and approval of the S Beaver Creek Way public road right-of-way by the N.C. Department of Transportation District Engineer.
- 5) A signed and notarized declaration including Phase 1-B in the previously established Beaver Creek Homeowners Association of Nash County, Inc.
- 6) A signed and notarized deed transferring ownership of the additional "SPECIAL PURPOSE LOT FOR USE AS COMMON AREA" to the Beaver Creek Homeowners Association of Nash County, Inc.
- 7) A signed and notarized instrument of combination to combine the 1.558 acre common area lot previously recorded on Plat Book 42 Page 245 of the Nash County Registry into a single lot with the additional acreage shown on this plat for the "SPECIAL PURPOSE LOT FOR USE AS COMMON AREA".
- 8) A total review fee in the amount of \$25.00 made payable to "Nash County."
- 9) The following recording fees made payable to "Nash County Register of Deeds":

Plat Recording Fee = \$42.00 (\$21.00 per plat sheet)

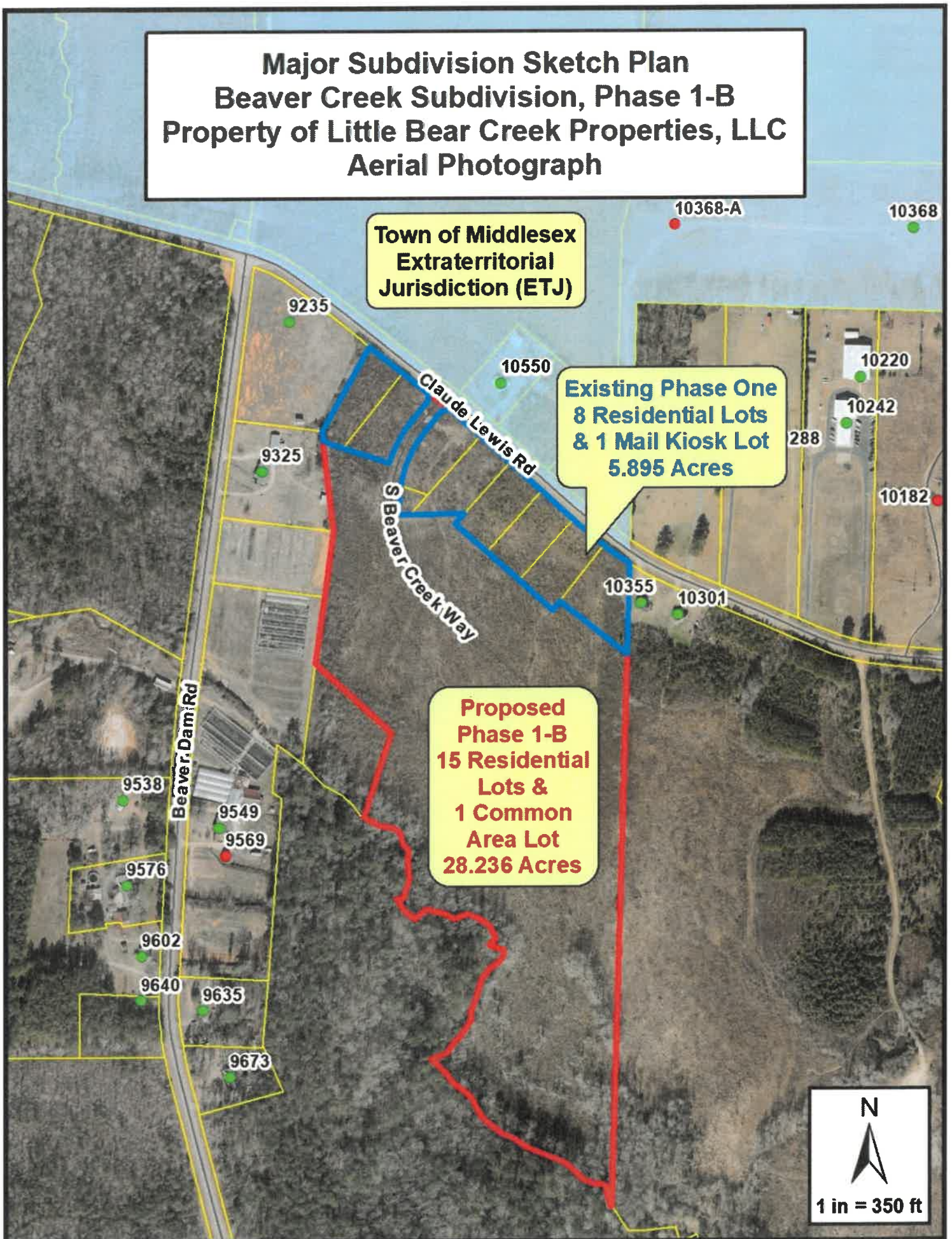
Document Recording Fees for the Declaration / Deed / Instrument of Combination = \$26.00 for the first 15 pages + \$4.00 for each additional page (per separate document)

**Major Subdivision Sketch Plan
Beaver Creek Subdivision, Phase 1-B
Property of Little Bear Creek Properties, LLC
Aerial Photograph**

**Town of Middlesex
Extraterritorial
Jurisdiction (ETJ)**

**Existing Phase One
8 Residential Lots
& 1 Mail Kiosk Lot
5.895 Acres**

**Proposed
Phase 1-B
15 Residential
Lots &
1 Common
Area Lot
28.236 Acres**



VICINITY MAP (NOT TO SCALE)

STATE OF NORTH CAROLINA, NASH COUNTY

I, CLAUDE L. LAMORE, DO HEREBY CERTIFY THAT THIS
ACTUAL SURVEY WAS UNDER MY SUPERVISION (DEED
DESCRIPTION RECORDED IN BOOK 11 PAGE 1
THIS SURVEY WAS INDICATED AS DRAWN FROM INFORMATION FOUND IN
RECORDS AS CALCULATED IS 1:100000 THAT THE RATIO OF
THIS SURVEY TO THE ACTUAL SURVEY WAS 1:100000. THESE
STANDARDS, PART 2, STANDARDS FOR GEODETIC NETWORKS
PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY
USING GPS NETWORKS. THAT THIS PLAT WAS PREPARED IN
CONFORMANCE WITH THE STANDARDS AND SECTION 104-1
OF THE NORTH CAROLINA CONSTITUTION. A.D. 2020

SURVEYOR
 LICENSE NUMBER

**SPECIAL PURPOSE
LOT
FOR USE AS
COMMON AREA
554941 SF
12.704 AC
"BEAVER CREEK TRAIL"**

**BEAVER CREEK
PHASE 1-B**

DRYWELLS TOWNSHIP, NASH COUNTY
NORTH CAROLINA
OCTOBER 8, 2020
SHEET 2 OF 2

OWNER: LITTLE
JAMES
CLAY
919-

OWNER: LITTLE BEAR CREEK PROP. LLC.
755 RANCH ROAD
CLAYTON, N.C. 27520
919-612-5531

TRUE LINE SURVEYING, P.C.

205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

C-1859

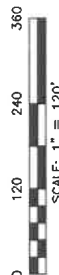
A diagram of a tree with a horizontal branch and a vertical branch. The horizontal branch is on the left, and the vertical branch is on the right. The vertical branch is shown with a small circle at its base, indicating a point of growth or a node. The horizontal branch is shown with a small circle at its base, indicating a point of growth or a node. The vertical branch is shown with a small circle at its base, indicating a point of growth or a node.

SURVEYED BY:	TLS
DRAWN BY:	MIKE
CHECKED BY:	CURK
DRAWING NAME:	PHIBRECORD.DWG
SURVEY DATE:	3-15-20
JOB NO.	3779.001

LEGEND

- [illegible]

THE 50' PRIVATE ACCESS AND UTILITY EASEMENT KNOWN AS S BEAVER CREEK WAY AND PREVIOUSLY RECORDED ON PLAT BOOK 42 PAGE 245 OF THE NASH COUNTY REGISTRY IS ABANDONED WITH THE RECORDING OF THIS PLAT AND REPLACED BY THE 50' PUBLIC RIGHT-OF-WAY SHOWN HEREON.



SCALE: 1" = 120'